

REMARKSRequest for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the opinion that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the above amendments to the claims and the following remarks.

Restriction

A Restriction had been put forward between Group I, Claims 1-10 and Group II, Claims 11-20. During a telephone conversation, a provisional election was made to Group I, with traverse. This provisional election is confirmed herein.

Claim Status

Claims 1-20 are pending while Claims 1-10 are under prosecution and Claims 11-20 have been withdrawn.

BEST AVAILABLE COPY

Claims 1 and 7 have been amended herein. Claims 1 and 7 have been amended to replace "second" with "secondary".

~~The particles that are referred to in the last paragraph of~~
Claims 1 and 7 are secondary particles, i.e. agglomerates. Support for the term "secondary" can be found in the Application on page 15, line 4. In other words, the two porous layers have both primary and secondary particles and the last paragraph of Claims 1 and 7 refer to the average particle diameter of the secondary particles.

Claims 1 and 7 have also been amended herein to recite that the hydrophilic binder is cross-linked before printing. In other words, the hydrophilic binder is a cross-linked binder when it is in the porous layers. Support for this amendment is probably best found in the method claims where it teaches irradiating to form the cross-linked binder prior to drying the porous layers, see page 13, step (b).

The unique aspect of cross-linking the binder prior to printing is also brought out in the examples. Specifically, the Examiner's attention is directed to recording sheets C-1 to C-5 where it teaches on page 48 that the material was not exposed to radiation prior to

BEST AVAILABLE COPY

printing as compared to, for example, Recording Sheets A-2 and A-3 which were irradiated before printing. As shown in the evaluation in Table 2 on page 52, the recording sheets where the binder was cross-linked, show a higher glossiness than those that were not, excellent ink absorbability compared to those that were not cross-linked, superior folding and fracture resistance compared to the sheets that were not cross-linked and improved dimensional stability compared to the sheets that did not employ the cross-linked binder. The fact that the present Invention does provide high glossiness, excellent ink absorbability, improved layer folding and fracture resistance and improved dimensional stability is also brought out in the Application in the first full paragraph on page 1 of the Application as well as the first full paragraph on page 7 under Summary of the Invention.

Rejection

Claims 1-10 had been rejected as being unpatentable over a combination of Barcock and Wheeler. Barcock has been used to teach an ink recording material which has an upper layer containing binder, inorganic particles and a cross-linking agent and a lower layer which contains a binder, inorganic particles and a cross-linking agent.

... AVAILABLE CC

The Examiner recognizes that Barcock does not disclose ~~cross-linking by irradiation, however, the Examiner has~~ turned to Wheeler which has a hydrophilic binder with photo cross-linkable side chains. The Examiner has essentially taken the binder of Wheeler and substituted it for the binder in Barcock.

Assuming that such a combination is proper, this combination still does not arrive at the present Invention because Wheeler teaches that his cross-linkable binder is cross-linked after printing, see page 3, line 13. Thus, the combination of Wheeler and Barcock does not result in the present Invention because the combination does not result in an ink-jet recording material which has a cross-linked binder in the porous layer before printing.

Furthermore, the binder taught in Wheeler is not the same as the binder of the present Invention because the binder in Wheeler is cross-linked after the printing. In the present Invention, the binder has been cross-linked prior to printing. Thus, if one puts the two ink-jet recording sheets side-by-side prior to printing, it will be seen that the present Invention has a cross-linked binder

BEST AVAILABLE COPY

while the combination of Barcock and Wheeler does not have a cross-linked binder.

As brought out above, the examples teach the criticality of cross-linking before printing and that the material of the recording sheet of the present Invention achieves high glossiness, excellent ink absorbability, improved layer folding and fracture resistance, and improved dimensional stability. This is not taught by the combination of Barcock and Wheeler.

Conclusion

In view of the foregoing, it is respectfully submitted that the present Application is in condition for allowance and such action is respectfully requested. Should any fees or extensions of time be necessary in order to maintain this Application in pending condition, appropriate requests

are hereby made and authorization is given to debit account
#02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By:



Donald C. Lucas, Reg. # 31,275
(Attorney for Applicants)
475 Park Avenue South
New York, New York 10016
Tel. # (212) 661-8000

DCL/mr

BEST AVAILABLE COPY